

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN SHOLL, II,

No. 2:21-cv-00064 KJM GGH P

Petitioner,

v.

MATTHEW ATCHLEY, Warden,

ORDER TO SHOW CAUSE

Respondent.

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. The matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and Local Rule 302(c). On August 20, 2021, respondent filed a motion to dismiss. ECF No. 17. However, petitioner has failed to file an opposition, or statement of non-opposition within the requisite deadline. See ECF No. 9. ‘Failure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.’ E.D. Cal. Local Rule 230(l). Accordingly, petitioner will be ordered to show cause for his failure.

Accordingly, IT IS HEREBY ORDERED that petitioner shall show cause, in writing, within 14 days, why this matter should not be dismissed for failure to prosecute and/or to follow a court order pursuant to Federal Rule of Civil Procedure 41(b). The filing of an opposition, or

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1 statement of non-opposition to the motion to dismiss, within this timeframe will serve as cause
2 and will discharge this order.

3 Dated: October 21, 2021

4 /s/ Gregory G. Hollows
5 UNITED STATES MAGISTRATE JUDGE
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